

AN ACT

ENTITLED, An Act to revise certain provisions relating to soil erosion and sediment damage control.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 38-8A-1 be amended to read as follows:

38-8A-1. Terms as used in this chapter mean:

- (1) "Commission," the State Conservation Commission established by § 38-7-3;
- (2) "Conservation standards" or "standards," soil loss tolerance limits as developed pursuant to this chapter;
- (3) "Districts," conservation districts established pursuant to chapter 38-8;
- (4) "Person," a person as that term is defined by § 2-14-2 and also any public agency or political subdivision of this state, any interstate body, or any other legal entity;
- (5) "Guidelines," recommendations of the commission to the conservation districts not possessing the force or effect of rules or statute;
- (6) "Permit-issuing authority," a municipality or other political subdivision normally responsible for granting or issuing zoning, subdivision, building, or drainage permits;
- (7) "Silviculture," the science and art of managing forest resources for the timber, protection, recreation, wildlife, water, and aesthetic purposes.

Section 2. That § 38-8A-2 be amended to read as follows:

38-8A-2. The term, land-disturbing activity, as used in this chapter, means any clearing, tilling, grazing, grading, excavating, transporting and filling of land, and the implementation of silviculture activities resulting in soil erosion from water or wind and the movement of sediments into any and all waters, public or private, on the surface of the ground, which are contained within, flow through or border lands in the state; or onto lands in the state. Land disturbing activities specifically regulated by other state agencies and that are subject to regulation under

chapter 45-6B, chapter 34A-6, or chapter 34A-13, or which otherwise require plans for soil erosion and sediment damage control are exempt from the provisions of this Act.

Section 3. That § 38-8A-7 be repealed.

Section 4. That § 38-8A-12.2 be amended to read as follows:

38-8A-12.2. An election under the provisions of §§ 38-8A-12 and 38-8A-12.1 shall be conducted at the next general election within the counties comprising the territory of the conservation district. Unless otherwise provided for in this chapter, the conduct of any election held under §§ 38-8A-12 and 38-8A-12.1 shall be governed by the general election laws of South Dakota. The results of the election shall be certified to the conservation district by the county commission of each county in which the election is conducted.

Section 5. That § 38-8A-17 be amended to read as follows:

38-8A-17. No person engaging in land-disturbing activities is required to prepare a plan, file an application or otherwise report these activities to the conservation district, except as provided for in § 38-8A-18. The district may require a conservation plan preceding the conversion to cropland of any land which has been designated fragile land as provided by § 38-8A-6.

Section 6. That § 38-8A-18 be amended to read as follows:

38-8A-18. Upon the determination by the conservation district, pursuant to § 38-8A-20, that a land-disturbing activity is violating adopted standards, the land disturber shall be required to prepare an erosion and sediment control plan within six months, and have the plan approved by the local conservation district. Upon approval of the plan by the conservation district, the land disturber shall be allowed six months to implement the plan.

Section 7. That chapter 38-8A be amended by adding thereto a NEW SECTION to read as follows:

The conservation districts shall file with the conservation commission an itemized annual report noting the number and nature of violations of this chapter. The report shall be filed within

sixty days after the end of the conservation district's fiscal year.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1108

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1108

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State